

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE PETITION OF
D'ONOFIO GENERAL CONTRACTOR
CORP, AS OWNER OF THE M/V LUCIE JO
FOR EXONERATION FROM AND
LIMITATION OF LIABILITY.
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D'ONOFIO GENERAL CONTRACTOR
CORP.,

Petitioner,

-against-

EDWARD SAFER, JR.,

Respondent.
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POLLAK, United States Magistrate Judge:

On March 13, 2018, the Honorable Roslynn R. Mauskopf denied claimants' motion to dismiss or for summary judgment without prejudice to renew for failure to comply with her Individual Motion Practices and Rules. (See Electronic Order, Mar. 13, 2018). On March 15, 2018, Avitus Group, Avitus, Inc., and Better Business Systems, Inc. (the "claimants") filed a motion asking this Court to deem the documents filed in support of their cross-motion to dismiss to have been timely filed. (See Letter, Mar. 15, 2018 ECF No. 18). The motion explains that the parties "were under the impression that all parties had consented to have magistrate judge conduct all proceedings in this case," but acknowledges that the parties have not yet "formalize[d] the consent." (Id.)

This Court's consent jurisdiction does not become effective until all parties have consented, 28 U.S.C. § 636(c)(1), the parties file a completed consent form, Fed. R. Civ. P. 73(b)(1), and that form is approved by the District Judge to whom the case was originally

ORDER
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assigned. See 28 U.S.C. § 636(b)(4) (directing district courts to establish rules pursuant to which magistrate judges discharge their duties); Fed. R. Civ. P. 73; L. Civ. R. 73.1(b) (requiring that the parties file a completed consent form and that the form be approved by the district judge before the Clerk may reassign a case to a magistrate judge for all purposes).


The parties have not filed a completed consent to jurisdiction form and Judge Mauskopf has not entered an order of reference. This Court is therefore without jurisdiction to grant the relief requested by the claimants and must deny the motion without prejudice to renew.

Should the parties wish to consent to the exercise of plenary jurisdiction by the undersigned Magistrate Judge, a blank copy of the consent form was provided by the Clerk of the Court after commencement of the litigation (see Rule 73 Notice, July 20, 2016, ECF No. 2), and is also available online at <http://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge>.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
March 16, 2018



/s/ Cheryl L. Pollak
Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York